

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

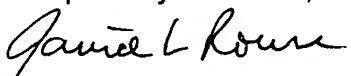
First Named Inventor : Wesley B. Bruce
Application Number : Not known
Filing Date : June 26, 2003
Title : Novel Plant Promoters and Methods of Use
Group/Art Unit : 1638
Examiner : J. Switzer
Attorney Docket Number : 1165C
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**FILING OF AN INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97**

Attached is a list of documents on form PTO-1449. It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 CFR §1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

All items are attached except those that were supplied in parent Application No. 09/766,399, filed January 19, 2001. Since the benefit of this application was claimed under 35 USC 120, no copies need to be furnished in accordance with 37 CFR §1.98(d)(1) and (2); however, copies will be furnished on request.

Respectfully submitted,



Janice L. Rouse
Agent for Applicant(s)
Registration No. 52,183

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 270-3599
Facsimile: (515) 334-6883

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	ATTORNEY DOCKET NO.	SERIAL NO.
		1165	09/766,399
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>		APPLICANT	
		Bruce, et al.	
		FILING DATE	GROUP
		January 19, 2001	Not known

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A1	6,072,050	6/6/00	Bowen, et al.	536	24.1	2/24/98
	A2	6,118,049	6/12/00	Bestwick, et al.	800	283	9/18/98

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	A3	WO99/27119	6/3/99	PCT	C12N	15/82	X	

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

A4	Endo-Ichikawa, et al., "Requirements of multiple DNA-protein interactions for inducible expression RNR3 gene in <i>Saccharomyces cerevisiae</i> in response to DNA damage", <i>Biochemical and Biophysical Research Communications</i> , 222 (2): 280-286, 1996.
A5	Hobo, et al., "ACGT-containing abscisic acid response element (ABRE) and coupling element 3 (CE3) are functionally equivalent", <i>Plant Journal</i> , vol. 19 issue 6: 679-689, Sept. 1999.
A6	Kosugi, et al., "Two of three promoter elements identified in a rice gene for proliferating cell nuclear antigen are essential for meristematic tissue-specific expression", <i>Plant Journal</i> , vol. 7 issue 6: 877-886, 1995.
A7	Li, et al., "Synthetic muscle promoters: activities exceeding naturally occurring regulatory sequences", <i>Nature Biotechnology</i> , vol. 17, p. 241-245, March 1999.
A8	Martinez, et al., "The HMG-I/Y protein PFI stimulates binding of the transcriptional activator GT-2 to the PHYA gene promoter", <i>Plant Journal</i> , vol. 18 issue 2: 173-183, April 1999.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office		ATTORNEY DOCKET NO.	SERIAL NO.
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>		1165	09/766,399	
		APPLICANT		
		Bruce, et al.		
		FILING DATE	GROUP	
January 19, 2001	1638			

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	A9	WO 00/56906	9/28/00	PCT	C12N	15/82	X	

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

A10	Komari, et al., "Vectors carrying two separate T-DNA's for co-transformation of higher plants mediated by agrobacterium tumefaciens and segregation of transformants free from selection markers," EMBL Accession No. AB027254, 6/2/99
A11	Bowman, et al., "Plasmodium falciparum DNA," EMBL Accession No. AL049184, 3/15/99
A12	Roberts, et al., "Binary vector pCAMBIA-1300," EMBL Accession No. AF234296, 4/12/00

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	ATTORNEY DOCKET NO.	SERIAL NO.
		1165	09/766,399
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>		APPLICANT	
		Bruce, et al.	
		FILING DATE	GROUP
		January 19, 2001	1638

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	A13	CA 2,366,228	9/28/00		C12N	15/82	X	
	A14	CA 2,368,119	10/5/00		C12N	15/82	X	

OTHER DOCUMENTS (*Including Author, Title, Date Pertinent Pages, Etc.*)

A15	Comai, et al., "Novel and useful properties of a chimeric plant promoter combining CaMV 35S and MAS elements", <u>Plant Molecular Biology</u> , vol. 15, pp. 373-381, 1990
A16	Ni, et al., "Strength and tissue specificity of chimeric promoters derived from the octopine and mannopine synthase genes", <u>The Plant Journal</u> , pp. 661-676, 1995
A17	Nordin, et al., "Differential expression of two related, low-temperature-induced genes in <i>Arabidopsis thaliana</i> (L.) Heynh", <u>Plant Molecular Biology</u> , vol. 21, pp. 641-653, 1993
A18	Vilardell, et al., "Gene sequence, developmental expression, and protein phosphorylation of RAB-17 in maize", <u>Plant Molecular Biology</u> , vol. 14, pp. 423-432, 1990

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.